

COUNTY OF KAUAI
Minutes of Meeting
Spécial Meeting Open Session

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| Board/Committee: | | Kaua‘i Police Commission | Meeting Date | August 10, 2016 | |
| Location | Mo`ikeha Building – Meeting Room 2A/B | | Start of Meeting | 2:07 p.m. | End of Meeting: 2:28 p.m. |
| Present | Vice Chair Mary K. Hertog; Members: Savita Agarwal, Catherine Adams, Gerald (Chip) Bahouth and Donald (Moki) Okami Sr. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo and Deputy County Attorney Peter Morimoto. | | | | |
| Excused | | | | | |
| Absent | | | | | |
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| SUBJECT | | DISCUSSION | | ACTION | |
| Call To Order | | | | At 2:07 p.m. Vice Chair Hertog called the meeting to order with five (5) member’s present constituting a quorum. | |
| Public Testimony | | There were no public testimony. | | | |
| ES KPC 2016-015 | | Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (2), (4), the purpose of this Executive Session is to consider a request for legal representation be provided by the Kaua‘i County Attorney’s Office to Chief of Police Darryl D. Perry, Deputy Chief of Police Michael M. Contrades and Assistant Chief of Police Roy A. Asher, in both their individual and professional capacities as it relates to <u>Civil No. CV16-00350</u> filed in the United States District Court for the District of Hawai‘i against the County of Kaua‘i, Kaua‘i Police Department, Police Chief Darryl D. Perry, Deputy Chief of Police Michael M. Contrades, Assistant Chief of Police Roy A. Asher; and DOE Defendants 1-100. This consultation involves consideration of powers, duties, privileges, immunities and/or liabilities of the Police Commission as the may relate to this agenda item. | | At 2:10 p.m. Vice Chair Hertog cited the Hawai‘i Revised Statues to bring the meeting into Executive Session. | |
| ES KPC 2016-016 | | Pursuant to Hawai‘i Revised Statutes §92-4, §92-5 (a) (2) (4) and (8), the purpose of the Executive Session is for the Commission to consult with its attorney as to the powers, duties, privileges, immunities, and/or liabilities as they may relate to a request for assistance from Chief of Police Darryl D. | | | |

| SUBJECT | DISCUSSION | ACTION |
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| | Perry to have documents and materials associated with his suspension removed from his personnel file and to be reimbursed for attorney's fees and out-of-pocket expenses. | |
| Announcements | <p>Vice Chair Hertog announced the next regular meeting is scheduled for Friday, August 26, 2016 at 9:00 a.m. at the Mo'ikeha Building in Meeting Room 2A/2B. Executive Session to follow.</p> <p>Vice Chair Hertog called for a motion to enter into Executive Session.</p> | <p>Commissioner Adams moved to enter into Executive Session. Commissioner Agarwal seconded the motion. Motion carried 5:0</p> <p>At 2:11 p.m. the Commission entered into Executive Session.</p> |
| Return Into Open Session to ratify the actions taken in Executive Session | At 2:28 p.m. the Commission reconvened in Open Session. Vice Chair called for the motion to ratify the actions taken in Executive Session. | <p>Commissioner Adams moved to ratify the actions taken into Executive Session. Commissioner Agarwal seconded the motion. Motion carried 4:0</p> <p>ES KPC 2016-015: By roll call vote the motion carried 4:0 to grant legal representation for Chief of Police Darryl Perry, Deputy Chief of Police Michael Contrades and Assistant Chief Roy Asher as it relates to Civil No. CV16-00350.</p> <p>ES KPC 2016-016: By a roll call vote the motion carried 4:0 to defer the item to the next regular meeting on August 26, 2016.</p> |
| Adjournment | | At 2:28 p.m. Vice Chair Hertog declared the meeting adjourned. |

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Mary K. Hertog, Vice Chair

☒ Approved as circulated on August 26, 2016
☐ Approved as amended. See minutes of _____ meeting.